

IN THE MATTER OF COMCAST)	<u>CABLE TELEVISION</u>
CABLEVISION OF WILDWOOD, INC.'S)	
AGGREGATE FILING OF FCC FORM)	
1205 DETERMINING REGULATED)	
INSTALLATION AND EQUIPMENT)	
COSTS USING THE OPTIONAL)	STATE OF NEW JERSEY
EXPEDITED RATE PROCEDURES)	BOARD OF PUBLIC UTILITIES
PROCEDURES)	BPU DOCKET NUMBER CR01030148

STIPULATION OF FINAL RATES

The undersigned parties, as a result of a review of the FCC Form 1205 as well as the timely filed public comments in these matters hereby stipulate to the following findings of fact and conclusions of law for consideration by the Board of Public Utilities ("Board"); and

As part of the Optional Expedited Rate Procedures (Approved January 12, 1996, Docket No. CX95120636), Comcast Cablevision of Wildwood, Inc. ("Petitioner") agreed to waive the Company's litigation rights at the Office of Administrative Law ("OAL") in this proceeding. It should be noted that Petitioner's waiver was a knowing, voluntary and intelligent waiver of its litigation rights at the OAL and that the waiver did not constitute a circumvention of the Federal Communications Commission ("FCC") rules nor did it affect the Company's right to appeal in that forum.

WHEREAS, the Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (1992), codified at 47 U.S.C. § 543 et seq., (the "Federal Act"), classified the delivery of cable television services into two separate rate regulated categories: (i) "basic service" (consisting primarily of "off-the-air" and public educational and governmental channels) and associated equipment and installation and (ii) cable programming services ("CPS") and associated equipment; and

WHEREAS, under the Federal Act, basic service is regulated by the "franchising authority," and

WHEREAS, under the provisions of the New Jersey Cable Television Act ("New Jersey Act"), N.J.S.A. 48:5A-1 et seq., the franchising authority is the Board; and

WHEREAS, the Federal Act required the FCC to issue regulations governing the standards to be used by franchising authorities in regulating basic service rates; and

WHEREAS, under the regulations adopted March 30, 1994, 47 C.F.R. § 76.900 et seq., a cable operator may adjust its rates by electing the annual rate adjustment system under the regulations adopted September 15, 1995 (47 C.F.R. § 76.922) by filing a Form 1240 and a Form 1205 on the same date; and

WHEREAS, on March 1, 2001, Petitioner, serving subscribers within the Townships of Lower, Middle and Maple Shade and the Boroughs of West Cape May, Cape May Point, West Wildwood, Wildwood Crest, Brooklawn and Mount Ephraim and the Cities of Cape May, Wildwood, North Wildwood and Gloucester City filed Form 1205, Docket Number CR01030148, with the Board, seeking approval of its regulated installation and equipment rates listed on the attached Schedule A. The rates reflected on this schedule are the same rates approved by the Board in Docket Number CR00030145 with the exception of

two rate reductions. The Petitioner has chosen not to increase its rates for the time period from June 1, 2001 to May 31, 2002 for its Gloucester/Maple Shade systems and February 1, 2002 to January 31, 2003 for its Wildwood system. However, the FCC requires that a Form 1205 be filed with the Form 1240 (47 C.F.R. § 76.922) and the Petitioner has met this requirement; and

WHEREAS, the Board Staff and the Ratepayer Advocate, upon review of the FCC Form 1205, supporting documentation and schedules submitted by Petitioner, have concluded that the terms of the instant Stipulation set forth below; including the refunds ordered herein, compensate subscribers for overcharges as reflected on Schedule B, and

WHEREAS, the Staff, the Ratepayer Advocate and Petitioner have engaged in discussions of this matter; and

WHEREAS, the Staff, the Ratepayer Advocate and Petitioner have concluded that the present installation and equipment rates will remain unchanged with the exception of the two rate reductions; and

NOW, THEREFORE, Staff, the Ratepayer Advocate, and Petitioner hereby STIPULATE AS FOLLOWS:

1. Petitioner will refund \$3,246.72, inclusive of interest, to all its affected subscribers in the Gloucester/Maple Shade systems (see Schedule B). The refund will be issued as a one time bill credit identified as "BPU Refund" and shall be distributed among all affected subscribers beginning the first billing cycle that occurs no later than sixty (60) days after the issuance of a final Board Order adopting the Stipulation.
2. Petitioner notified its customers of the proposed rate changes via newspaper announcements and has informed them of their opportunity to submit written comments for a period of thirty (30) days.
3. The effective dates for the changes in the installation and equipment rates was June 1, 2001 for the Gloucester/Maple Shade systems and will be February 1, 2002 for the Wildwood system.
4. The stipulated rate changes in the installation and equipment rates shall be subject to the approval of the Board and all revenues collected as a result of this adjustment shall be subject to refund, pursuant to the rules and regulations of the FCC as well as those of the Board if the Board finds these rate changes to be unjustified in whole or in part or in any way implemented improperly.
5. This Stipulation of Settlement resolves all issues raised by the filing which is the subject of the within matter.
6. The signatories agree that, except as expressly provided herein, this Stipulation has been made exclusively for the purpose of this proceeding and that the Stipulation contained herein, in total or by specific items, is in no way binding upon the parties in other proceedings before the Board or in other forums or jurisdictions, nor are the contents of this Stipulation, in total or by

specific items, by inference, inclusion, or deletion, in any way to be considered or used by another party as any indication of the position of any party hereto on any issue litigated or to be litigated in other proceedings.

This Stipulation contains terms, each of which is interdependent with the others and essential in its own right to the signing of this Stipulation. Each term is vital to the agreement as a whole, since the parties expressly and jointly state that they would not have signed the agreement had any term been modified in any way. Each party is entitled to certain procedures in the event that any modification is made to the terms of this Stipulation, the signatory parties each must be given the right to be placed in the position it was in before the Stipulation was entered. Therefore, if any modification is made to the terms of this Stipulation, it is essential that each party be given the option, before the implementation of any new rate resulting from this action, either to modify its own position to accept the proposed changes, or to resume the proceeding as if no agreement had been reached.

The parties believe these provisions are fair to all concerned and therefore, they are made an integral and essential element of this Stipulation. This being the case, all parties expressly agree to support the right of any other party to this Stipulation to enforce all terms and procedures detailed herein.

**GLORIA J. FURLONG,
OFFICE OF CABLE TELEVISION**

DATED:

By: _____
Supervising Administrative Analyst

**BLOSSOM A. PERETZ, DIRECTOR
DIVISION OF THE RATEPAYER
ADVOCATE**

DATED:

By: _____
Elana Shapochnikov, Esq.
Assistant Deputy Ratepayer Advocate

**COMCAST CABLEVISION OF WILDWOOD,
INC.**

DATED:

By: _____
Dennis Linken, Esq.
Stryker, Tams & Dill, LLP

SCHEDULE A

<u>Services</u>	<u>Prior Board Approved Rates</u>	<u>Proposed Rates Effective 6/1/01 & 2/1/02</u>	<u>Diff.</u>	<u>%</u>
<u>Installation Charges</u>				
Primary Install-primary outlet 125 ft. or less from tap	\$40.95	\$40.95	\$0	0%
Wildwood	\$39.95	\$39.95	\$0	0%
Non-Standard Install-primary outlet Over 125 ft. from tap (per hour)	\$27.00	\$27.00	\$0	0%
Service Area Relocation Install/Transfer of Service	\$22.50	\$22.50	\$0	0%
Wildwood	\$21.50	\$21.50	\$0	0%
Additional Outlet, same trip	\$13.95	\$13.49	-\$.46	-3.3%
Relocation of Outlet, separate trip	\$18.95	\$18.95	\$0	0%
Premium Service, separate trip	\$14.95	\$14.95	\$0	0%
Wildwood	\$13.95	\$13.95	\$0	0%
Additional Outlet, separate trip	\$18.95	\$18.95	\$0	0%
Unnecessary Trip Charge (Gloucester/ Maple Shade only)	\$15.00	\$15.00	\$0	0%
Connect VCR, same trip-Wildwood only	\$ 5.95	\$ 5.95	\$0	0%
Connect VCR, separate trip	\$12.95	\$12.95	\$0	0%
Install A/B Switch, same trip-Wildwood only	\$ 8.95	\$8.95	\$0	0%
Install A/B Switch, separate trip-Wildwood only	\$13.95	\$13.95		
Digital Install, separate trip-Gloucester/ Maple Shade	\$18.95	\$18.95	\$0	0%
<u>Reconnect Charges</u>				
Reconnect Charge-Limited Basic or Expanded Service	\$22.50	\$22.50	\$0	0%
Wildwood	\$21.50	\$21.50	\$0	0%
Reconnect after Temporary Suspension Of Service (4 month maximum)	\$22.50	\$22.50	\$0	0%
Wildwood	\$21.50	\$21.50	\$0	0%
<u>Service & Specialized Work</u>				
Hourly Service Charge	\$27.00	\$27.00	\$0	0%

Fishing Walls (per hr)	\$27.00	\$27.00	\$0	0%
Pre/Post Wiring (per hr)	\$27.00	\$27.00	\$0	0%
<u>Service & Specialized Work-Continued</u>				

Service Calls (non-cable related)

Maple Shade/Gloucester-(Trip Chg. Plus HSC)	\$15.00	\$15.00	\$0	0%
Wildwood-(HSC only)	\$27.00	\$27.00	\$0	0%
Rerun of Exterior Drop (Stand Install)	\$27.00	\$27.00	\$0	0%
Wildwood	\$40.95	\$40.95	\$0	0%
Add service (if installed other than with primary outlet & technician goes to home)	\$39.95	\$39.95	\$0	0%
Wildwood (includes Digital)	\$14.95	\$14.95	\$0	0%
Delete service (if installed other than with primary outlet & technician goes to home)	\$13.95	\$13.95	\$0	0%
Wildwood, includes digital	\$ 8.95	\$ 8.95	\$0	0%
Add/delete service (subsequent to initial install and (a) customer picks up or drops off converter, or (b) addressable addition or deletion)	\$ 8.95	\$ 8.95	\$0	0%
Service interruption	\$ 1.99	\$ 1.99	\$0	0%
Service restoration	\$ 1.99	\$ 1.99	\$0	0%

Equipment Charges

Non-Addressable Converter	\$ 1.75	\$ 1.75	\$0	0%
Wildwood	\$ 1.60	\$ 1.60	\$0	0%
Addressable Converter	\$ 3.85	\$ 3.85	\$0	0%
Wildwood	\$ 3.50	\$ 3.50	\$0	0%
Digital Converter	\$ 3.85	\$ 3.85	\$0	0%
Wildwood	\$ 3.50	\$ 3.50	\$0	0%
Standard Wireless Remote Control	\$.35	\$.35	\$0	0%

Digital Services

Digital Package (requires converter)	\$10.00	\$10.00	\$0	0%
Digital Programming/PPV				
(Digital Additional Outlets)	\$ 4.99	\$ 4.99	\$0	0%
Digital PPV/Plex Access	\$ 4.99	\$ 4.99	\$0	0%

Optional Services

Home Wiring/Maintenance Fee (per outlet)	\$.04	\$.03	\$.01	-25%
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